

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
SPACE EXPLORATION TECHNOLOGIES :
CORP., :
: :
: Plaintiff, :
: :
v. : No.: 1:12-cv-07510-PAE (KNF)
: :
D.T. GRUELLE COMPANY GROUP, :
L.L.C., :
: :
: Defendant. :
-----x

NOTICE OF MOTION

TO ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that upon the accompanying Memorandum In Support Of Plaintiff's Rule 12(b)(6) Motion To Dismiss Defendant's Counterclaim, Plaintiff Space Exploration Technologies Corp. ("SpaceX"), by and through undersigned counsel, respectfully moves this Court, before the Honorable Paul A. Engelmayer, United States District Court for the Southern District of New York, on such day and at such time designated by the Court, for an Order granting SpaceX's motion and dismissing Defendant's Counterclaim with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

Dated: December 21, 2012

Respectfully submitted,

COOLEY LLP

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Counsel for Space Exploration Technologies Corp.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of December, 2012, **NOTICE OF MOTION** was filed through the ECF system and will be sent electronically, via the ECF system, to the following registered participants, as also identified on the Notice of Electronic Filing (NEF). There are no non-registered participants in this case to my knowledge and belief.

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/s/ Douglas P. Lobel
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